

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

----- X
PETER COATES

Plaintiffs,

SUMMONS

-against-

Index No:

KEIA GRACE, RONALD J. CLARK,
RAYMOND TORPEY, KENRA COSTON,
DOUGLAS COLFORD, ALBERT CRUZ,
VINCENT CANNUCCI,
SENIOR OFFICER FITZPATRICK (full name unknown)

Defendants.
----- X

Plaintiff designates KINGS as the place of trial.

The basis of the venue is the defendant's place of business

Location of the incident: 141 Livingston Street, Brooklyn, New York 11201

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if the summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

DATED: New York, New York
May 8, 2017

FRANZBLAU DRATCH, PC
Attorney for Plaintiff

By: BRIAN M. DRATCH, Esq.
233 Broadway, Suite 1800
Tel. (212) 571-1808

Defendants' addresses

KEIA GRACE, RONALD J. CLARK,
RAYMOND TORPEY, KENRA COSTON,
DOUGLAS COLFORD, ALBERT CRUZ,
VINCENT CANNUCCI,
SENIOR OFFICER FITZPATRICK
Kings Civil Court
141 Livingston Street
Brooklyn, NY 11201

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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PETER COATES

Plaintiffs,

COMPLAINT

-against-

Index No:

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Plaintiffs, by his attorneys, FRANZBLAU DRATCH, alleges the following, upon
information and belief, as his Complaint:

NATURE OF THE ACTION

1. This civil rights action arises from the defendants violations of plaintiffs constitutional rights from May 15 through May 16, 2014.
2. Plaintiffs seeks declaratory relief pursuant CPLR 3001 and 28 U.S.C. ' 2201, compensatory and punitive damages for violation of plaintiff's civil rights pursuant to 42 U.S.C. "1981, 1983, 1985 and 1986 and an award of costs, disbursements and attorneys fees under 42 U.S.C. §1988.

JURISDICTION

3. This action is predicated upon violations of plaintiffs' Civil Rights protected under the United States Constitution inclusive of the Fourth, Eighth and Fourteenth Amendments to the United States Constitution as well as the New York State Constitution actionable pursuant to 42 U.S.C. " 1981, 1983, 1985 and 1986;

VENUE

4. That Venue for this action is placed in the County of the Bronx because that is the county of occurrence of the acts alleged herein pursuant to CPLR 504(3)

PARTIES

5. The plaintiff is and continue to be a resident of the State of New Jersey who practices law in the State of New York;

6. Defendant, Keia Grace is a New York State Court Officer with her principal place of business locate at Kings Civil Court, 141 Livingston Street, Brooklyn, New York 11201;

7. Defendant, Ronald J. Clark, is a New York State Court Officer with his principal place of business located at Kings Civil Court, 141 Livingston Street, Brooklyn, New York 11201.

8. Defendant, Raymond Torpey, is a New York State Court Officer with his principal place of business located at Kings Civil Court, 141 Livingston Street, Brooklyn, New York 11201.

9. Defendant, Kendra Coston, is a New York State Court Officer with his principal place of business located at Kings Civil Court, 141 Livingston Street, Brooklyn, New York 11201.

10. Defendant, Douglas Colford, is a New York State Court Officer with his principal place of business located at Kings Civil Court, 141 Livingston Street, Brooklyn, New York 11201.

11. Defendant, Albert Cruz, is a New York State Court Officer with his principle place of busines located at Kings Civil Court, 141 Livingston Street, Brooklyn, New York 11201

12. Defendant, Vincent Cannucci, is a New York State Court Officer with his

principal place of business located at Kings Civil Court, 141 Livingston Street, Brooklyn, New York 11201.

13. Defendant, Senior Officer Fitzpatrick, is a New York State Court Officer with his principal place of business located at Kings Civil Court, 141 Livingston Street, Brooklyn, New York 11201.

14. At all times relevant, defendant Court Officers were a duly appointed Court Officers of the State of New York;

15. At all times relevant, the individual court officers were acting under the color of State Law;

16. At all times relevant, the individual court officers were acting both in their individual and official capacity as employees of defendant the State of New York;

17. Notwithstanding the unconstitutional and unlawful conduct, the actions of the Court Officers were taken in the course of his duties and were incidental to their otherwise lawful functions as agents, servants and employees of the State of New York;

FACTS UNDERLYING PLAINTIFF'S CLAIMS FOR RELIEF

18. On May 14, plaintiff was on the 8th Floor of the Kings Civil Court, located at 141 Livingston Street, Brooklyn, New York 11201

19. At approximately 3:15 p.m. on the above date, defendants, Keia Grace and Kendra Coston, without probable cause, arrested and utilized excessive force on plaintiff.

20. Following plaintiff's arrest, plaintiff was brought upstairs to the 10th Floor of the Kings Civil Court where defendants, Ronald J. Clark, Raymond Torpey, Vincent Cannucci and Senior Officer Fitzpatrick utilized excessive force and falsely imprisoned plaintiff in violation of his Fourth and Fourteenth Amendment constitutional rights.

21. Plaintiff was then transported to the 84th Precinct and placed in a cell, wherein, defendant Doulgas Colford, Albert Cruz and Vincent Cannucci violated plaintiff's Eighth Amendment Rights by failing to get plaintiff proper medical attention causing plaintiff to suffer a heart attack.

22. As a result of defendants violation of his constitutional rights plaintiff suffered severe and permanent personal injuries.

23. As a result of each of the defendants conduct Plaintiffs suffered from a loss of liberty and deprivation of civil rights protected by the United States and New York State Constitution as a result of the afore-referenced events;

**FIRST CAUSE OF ACTION FOR VIOLATION OF
PLAINTIFF'S RIGHT TO BE FREE FROM HARM UNDER THE
FOURTH, EIGHTH AND FOURTEENTH AMENDMENTS
DUE TO FALSE ARREST, FALSE IMPRISONMENT AND
EXCESSIVE FORCE AND DELIBERATE INDIFFERENCE TO
PLAINTIFF MEDICAL NEEDS**

24. Plaintiff repeats, reiterates and realleges each and every allegation contained in the preceding paragraphs with the same force and effect as if set forth more fully herein;

25. As a result of the aforescribed actions, including the use of excessive force, false imprisonment, false arrest and a deliberate indifference to plaintiff's medical needs upon the plaintiff, that defendants deprived plaintiffs, of the rights, privileges and immunities secured by the Constitution and laws of the United States and the New York State Constitution;

26. As a result of the aforescribed actions, these defendants individually deprived plaintiffs of the right to be free from harm, free from false imprisonment and false arrest and deliberate indifference to plaintiff's medical needs secured

by the Constitution and laws of the United States and the Fourth and Fourteenth Amendments and Eighth Amendments and the New York State Constitution;

27. As a result of the aforescribed actions, including the physical injuries that defendants caused, defendants individually deprived plaintiffs of Equal Protection under the Law secured by the Constitution and laws of the United States and the Fourteenth Amendment and the New York State Constitution;

28. The aforescribed constitutional violations are all actionable under and pursuant to 42 U.S.C. " 1981, 1983, 1985 and 1986;

29. The amount and type of physical force used upon by these defendants were unnecessary, improper, excessive and reasonably justified under any circumstances.

30. The aforescribed acts of these defendants were willful, malicious and performed with reckless disregard for and deliberate indifference to plaintiff's rights;

31. As a result of the foregoing, plaintiff has suffered damages

WHEREFORE, plaintiff requests judgment against the defendants as follows:

(A) compensatory damages in an amount that exceeds the jurisdiction of all lower courts that would otherwise have jurisdiction.

(B) As to the first cause of action, punitive damages in an amount that exceeds the jurisdictional limits of all lower Courts that would otherwise have jurisdiction, by reason of the wanton, willful and malicious character of the conduct

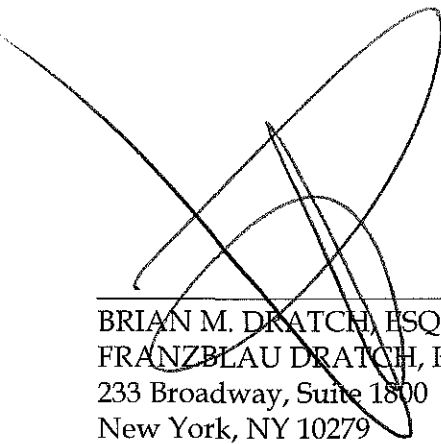
complained of herein;

(C) As to the first cause of action, an award of attorney's fees as provided under 42 U.S.C. '1988; and

(D) Such other and further relief as this Court may deem just, proper and equitable

Dated: May 8, 2017

New York, New York



BRIAN M. DRATCH, ESQ.
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New York, NY 10279
(212) 571-1808

FRANZBLAU DRATCH, P.C.

Claim No.
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

PETER COATES

Plaintiff,

-against-

KEIA GRACE, et al.

Defendant..

SUMMONS AND COMPLAINT

FRANZBLAU DRATCH, P.C.
Attorney for Plaintiff
233 Broadway, Suite 1800
New York, New York 10279
(212)571-1808

TO: